

DOCKET NO. 2005-1-E

sensitive information, and/or trade secrets of PEC. PEC believes it is not appropriate to make detailed confidential information regarding its operations publicly available and further asserts that access to this confidential information could give actual and potential competitors an unfair competitive advantage. PEC's concern is recognized in the South Carolina Freedom of Information Act which allows exemption from disclosure proprietary business information which constitutes a trade secret. *See* S.C. Code Ann. § 30-4-40(a)(1) (Supp. 2005).

2. ORS does not oppose the confidential designation by PEC. A confidentiality agreement was duly executed between PEC and ORS in Docket No. 2005-1-E, whereupon ORS received the confidential information from PEC to complete its Fuel Study attached hereto.

3. In accordance with Commission Order No. 2005-226,¹ the accompanying materials are presented for filing in a separate, sealed envelope with the word "confidential" marked clearly on the envelope. Moreover, each page of the unredacted Fuel Study has been marked "Confidential." Further, a redacted version of the Fuel Study is being filed contemporaneously herewith.

WHEREFORE, having fully complied with the requirements set forth in Commission Order No. 2005-226, the South Carolina Office of Regulatory Staff and PEC respectfully request that the Commission issue an order (i) declaring the accompanying unredacted Fuel Study as confidential; (ii) affording the unredacted Fuel Study

¹ Commission Order No. 2005-226 sets forth the requirements for filing confidential information with the Commission.

confidential treatment, (iii) protecting the unredacted Fuel Study from public disclosure;
and (iv) for such other relief as the Commission may find to be just and proper.

[SIGNATURE PAGES FOLLOW]

SOUTH CAROLINA OFFICE OF REGULATORY STAFF

By: /s/

Date: May 19, 2006

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**CAROLINA POWER & LIGHT COMPANY d/b/a PROGRESS ENERGY
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